THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.16362 OF 2005

Date: 20.08.2005

Between:

S.Subbaiah, S/o Thiruvalluru, aged 55 years, r/o Moturu, Gudivada Mandal, Krishna District and four others.

… Petitioners

and

The District Collector, Machilipatnam, Krishna District and four others.

… Respondents.

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WRIT PETITION NO.16362 OF 2005

ORDER:

Heard the Counsel for the petitioners and the learned Government Pleader and at their request, the writ petition is disposed of at the stage of admission.

Petitioners' grievance is that despite their drawing water from Nakkalakodu Channel through pipeline for the past 80 years, respondents 4 and 5 are now seeking to remove the pipes without putting the petitioners on notice and without giving them a reasonable opportunity of being heard. Learned Counsel would submit that this action of the respondents results in civil consequences to the petitioners as they are

deprived of their right to draw water and that such action cannot be taken without adhering to the basic requirements of principles of natural justice. Learned Counsel refers to the representations submitted by the petitioners on 06.07.2005 to the respondents herein, wherein the authorities were requested to issue necessary orders not to close the pipe lines attached to Nakkalakodu Channel, as the petitioners would otherwise be put to great hardship and their livelihood affected. Learned Counsel would submit that despite such representation having been submitted on 06.07.2005, no action has yet been taken nor have any orders been passed thereon till date.

There shall be a direction to the 2nd respondent herein to consider and pass orders on the representation submitted by the petitioners, in accordance with law, within a period of one month from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

Date:20.08.2005

MRKR